

Exhibit 5

FENWICK & WEST LLP

SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041
TEL 650.988.8500 FAX 650.938.5200 WWW.FENWICK.COM

July 1, 2008

KIMBERLY I. CULP

EMAIL KCULP@FENWICK.COM
DIRECT DIAL (650) 335-7138

VIA ELECTRONIC AND U. S. MAIL

Debra R. Bernard, Esq.
Perkins Coie LLP
131 S. Dearborn Street, Suite 1700
Chicago, IL 60603-5559

Re: Joby, Inc. v. Tocad America, Inc.

Dear Debra:

I am writing in response to your letter of June 25, 2008.

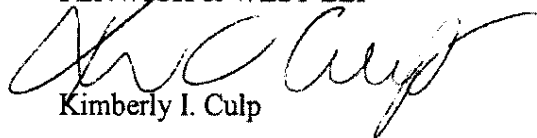
We are troubled by Tocad's attempts to limit the scope of discovery in this case based on Tocad's own assessment of the value of the case. Joby certainly disagrees that the damages at issue are as limited as Tocad believes they are. Moreover, Tocad has filed a motion for summary judgment and Joby's requests for documents seek evidence relevant to that motion. The positions you have taken undermine Joby's ability to respond to that motion by denying it access to documents which may bear on Joby's opposition.

Joby provided its search terms to Tocad on May 30. Only now, *three and a half weeks later*, you complain that some of these terms have produced "an excessive number of results and which include many other products not at issue." There is no excuse for your delay in raising this issue with us. In order for us to meaningfully address Tocad's claim that some of Joby's search terms yield excessive hits, we ask that Tocad indicate the number of unique documents that are being "hit" by each of the terms you claim produced excessive, non-responsive hits. In addition, please advise us of the approximate percentage of those hits that identify non-responsive documents. We expect this information to be provided immediately so that we can evaluate and address this purported problem without further delay.

We also continue to object that Tocad's proposal to use search terms to review for responsive *images* is an adequate method of review. We believe the most efficient way to review imaged documents is for Tocad to confer with the custodians of the imaged documents to ascertain where responsive documents are likely to be kept and to manually review those documents. If Tocad has conferred with custodians and 5,000 .jpg images were identified as potentially responsive, then please review them or else produce all 5,000 .jpg images. If you are unwilling to do this, please let us know what other alternative method of review you propose.

Sincerely,

FENWICK & WEST LLP


Kimberly I. Culp

1287662